



<u>Israel</u>	<u>Defense</u>	<u>Forces</u>
In the Military Court	Court File:	3739/02
Beit El	Prosecution File:	733/02
Before Panel	Detailed Incident Files:	4934-43/02 Samaria
		1359/02 Yiftach
		412/02 Binyamin
		580/02 Shafet
		2069/02 Special Duties
		Department Jerusalem

In the case between the Military Prosecutor – Prosecuting

– versus –

Nasser Jamal Mousa Shawish

Identity No. 993006188, born May 25, 1975, resident of Nablus/Ramallah
Under arrest since June 3, 2002

- the Defendant -

INDICTMENT

The above named Defendant is hereby accused of carrying out the following offenses:

First Count:

Nature of the Offense: Provision of shelter, an offense pursuant to Section 57 of the Security Provisions (Judea and Samaria) Order (No. 378), 5730-1970.

Details of the Offense: The above named Defendant, within the Region, at the end of 2000 through the beginning of 2001, or thereabouts, assisted or provided shelter to a person who had committed an offense against security legislation, or who is involved or was involved in any action whose aim is to disturb the public peace, the wellbeing of the Israel Defense Forces and its soldiers, and the existence of public order, or that there are reasonable grounds to suspect that he had done so, whether by providing information, shelter, food, drink, money, clothes, weapons, ammunition, supplies, fodder, transportation, kerosene or other kind of fuel or in some other way, specifically:

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The above named Defendant, during the said period, on a number of different occasions, transported persons who were wanted by the Israeli security forces for having carried out lethal terrorist attacks against Israeli civilians and Israel Defense Forces soldiers. Among others, the Defendant transported his brother, [REDACTED]
[REDACTED]

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[Stamp] P 5: 293 [continued]

Second Count:

Nature of the Offense: Membership and activity in an unlawful association, an offense pursuant to Regulations 84(1)(a) and 85(1)(a) of the Defense (Emergency) Regulations, 1945.

Details of the Offense: The above named Defendant, in the Region, from early 2001 and up to the date of his arrest, was a member or acted as member of an organization which is an unlawful association, specifically:

The above named Defendant, during the said period, was a member of the Al-Aqsa Martyrs Brigades ("*Kataib Shuhada al-Aqsa*"), the military wing of the Fatah Tanzim, which is an unlawful association.

The Defendant was recruited into the ranks of the al-Aqsa Martyrs Brigades by his brother, [REDACTED]

Following his recruitment, the Defendant received the operational nickname "Adham."

The Defendant operated as part of the al-Aqsa Martyrs Brigades as will be described in the following counts of the indictment.

Third Count:

Nature of the Offense: Attempting to intentionally cause death, an offense pursuant to Section 51(a) of the Security Provisions (Judea and Samaria) Order (No. 378), 5730-1970, and Sections 14(a) and 19 of the Criminal Liability (Judea and Samaria) Order (No. 225), 5728-1968.

Details of the Offense: The above named Defendant, in the Region, from the end of 2000 and up to the date of his arrest, or thereabouts, attempted to intentionally cause the death of another person, specifically:

The above named Defendant, during the said period, on 5 different occasions, in the evening hours, fired a Kalashnikov assault rifle from a distance of 400 meters toward the Israel Defense Forces camp located adjacent to the village of Tayasir, with the intention of causing the deaths of Israel Defense Forces soldiers. Together with the Defendant were [REDACTED] [and] [REDACTED] who also fired at Israel Defense Forces soldiers with the intention of causing their deaths.

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Fourth Count:

Nature of the Offense: Manufacture of a bomb, an offense pursuant to Section 53(a)(3) of the Security Provisions (Judea and Samaria) Order (No. 378), 5730-1970.

Details of the Offense: The above named Defendant, in the Region, during 2001 or thereabouts, manufactured a firearm, ammunition, bomb, explosive or incendiary device, without a permit granted by or on behalf of the military commander, specifically:

The above named Defendant, during the said period, in Nablus and in Jenin or thereabouts, on a number of different occasions, produced explosive devices, without having a permit granted by or on behalf of the military commander.

Fifth Count:

Nature of the Offense: Attempting to intentionally cause death, an offense pursuant to Section 51(a) of the Security Provisions (Judea and Samaria) Order (No. 378), 5730-1970, and Section 19 of the Criminal Liability (Judea and Samaria) Order (No. 225), 5728-1968.

Details of the Offense: The above named Defendant, in the Region, during 2001 or thereabouts, attempted to intentionally cause the death of another person, specifically:

The above named Defendant, during the said period, on a number of different occasions, in the evening hours, fired a Kalashnikov assault rifle from a distance of 400 meters toward the "Bezeq" Israel Defense Forces camp, with the intention of causing the deaths of Israel Defense Forces soldiers. Together with the Defendant were [REDACTED] [and] [REDACTED] who also fired at Israel Defense Forces soldiers with the intention of causing their deaths.

On one of the occasions, the Defendant's accomplice [REDACTED] who was together with him at the time of the shooting, was wounded during an exchange of fire with the Israel Defense Forces, which developed there as a result of the shooting by the Defendant and his accomplices.

Sixth Count:

Nature of the Offense: Attempting to intentionally cause death, an offense pursuant to Section 51(a) of the Security Provisions (Judea and Samaria) Order (No. 378), 5730-1970, and Section 19 of the Criminal Liability (Judea and Samaria) Order (No. 225), 5728-1968.

Details of the Offense: The above named Defendant, in the Region, during 2001 or thereabouts, attempted to intentionally cause the death of another person, specifically:

The above named Defendant, on the said date, together with others, fired a Kalashnikov assault rifle from a distance of 400 meters toward the "Sanur" Israel Defense Forces camp, with the intention of causing the deaths of Israel Defense Forces soldiers. Together with the Defendant were [REDACTED] [and] [REDACTED] who also fired at Israel Defense Forces soldiers with the intention of causing their deaths.

Seventh Count:

Nature of the Offense: Attempting to intentionally cause death, an offense pursuant to Section 51(a) of the Security Provisions (Judea and Samaria) Order (No. 378), 5730-1970, and Sections 14(a) and 19 of the Criminal Liability (Judea and Samaria) Order (No. 225), 5728-1968.

Details of the Offense: The above named Defendant, in the Region, during 2001, about one month after carrying out that attributed to him in the previous count of the indictment, or thereabouts, attempted to intentionally cause the death of another person, specifically:

The above named Defendant, on the said date, during the night, together with [REDACTED] [REDACTED] and one other person, placed four explosive devices, weighing 5 kilograms each, on the main road near Geva. The Defendant and his accomplices placed two explosive devices on each side of the road. After the Defendant and his accomplices had placed the above mentioned explosive devices, they hid by the road.

When the Defendant and his above named accomplices saw an Israel Defense Forces jeep, which was traveling on the above mentioned road and approaching the above mentioned explosive devices, the Defendant and his above named accomplices activated the said explosive devices by means of cellular phones, with the intention of causing the deaths of Israel Defense Forces soldiers who were traveling in the said jeep.

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As a result of the detonation of the above mentioned explosive devices, damage was caused to the said Israel Defense Forces jeep.

While carrying out the terrorist attack described above, the Defendant and his above named accomplices were armed with Kalashnikov assault rifles.

Eighth Count:

Nature of the Offense: Attempting to intentionally cause death, an offense pursuant to Section 51(a) of the Security Provisions (Judea and Samaria) Order (No. 378), 5730-1970, and Sections 14(a) and 19 of the Criminal Liability (Judea and Samaria) Order (No. 225), 5728-1968.

Details of the Offense: The above named Defendant, in the Region, during 2001, about one month after carrying out that attributed to him in the previous count of the indictment, or thereabouts, attempted to intentionally cause the death of another person, specifically:

The above named Defendant, on the said date, together with [REDACTED] and [REDACTED] placed an explosive device on the main road adjacent to Arraba, in the vicinity of Mirka, with the intention of detonating it and causing the deaths of Israeli civilians. Subsequently, [REDACTED] returned to Jenin.

The Defendant and [REDACTED] waited there, and when they saw an Israel Defense Forces jeep, they activated the above mentioned explosive device against it, with the intention of causing the deaths of Israel Defense Forces soldiers. As a result of the detonation of the above mentioned explosive device, damage was caused to the said Israel Defense Forces jeep.

During execution of the above mentioned terrorist attack, the Defendant's two accomplices were armed with weapons.

Ninth Count:

Nature of the Offense: Attempting to intentionally cause death, an offense pursuant to Section 51(a) of the Security Provisions (Judea and Samaria) Order (No. 378), 5730-1970, and Sections 14(a) and 19 of the Criminal Liability (Judea and Samaria) Order (No. 225), 5728-1968.

Details of the Offense: The above named Defendant, in the Region, during 2001, about one month after carrying out that attributed to him in the previous count of the indictment, or thereabouts, attempted to intentionally cause the death of another person, specifically:

The above named Defendant, at the said time, together with [REDACTED] and [REDACTED] placed an explosive device on the main route leading to the "Tayasir" Israel Defense Forces camp, located in the Jordan Valley, with the intention of causing the deaths of Israel Defense Forces soldiers. The Defendant and his accomplices attempted to activate the above mentioned explosive device against an Israel Defense Forces jeep that passed the place, with the intention of causing the deaths of Israel Defense Forces soldiers, but due to a technical fault, the above mentioned explosive device did not explode. Subsequently, the Defendant and his accomplices collected the unexploded explosive device and returned with it to Jenin.

Tenth Count:

Nature of the Offense: Attempting to intentionally cause death, an offense pursuant to Section 51(a) of the Security Provisions (Judea and Samaria) Order (No. 378), 5730-1970, and Sections 14(a) and 19 of the Criminal Liability (Judea and Samaria) Order (No. 225), 5728-1968.

Details of the Offense: The above named Defendant, in the Region, during 2001, or thereabouts, attempted to intentionally cause the death of another person, specifically:

At the said time, [REDACTED] a military operative in the Palestinian Islamic Jihad, approached [REDACTED] a senior military operative in the al-Aqsa Martyrs Brigades – the military wing of the Fatah Tanzim, and suggested to the latter to carry out a terrorist attack against Israeli targets. It was decided that the said terrorist attack would be carried out jointly by operatives of the Islamic Jihad and operatives of the al-Aqsa Martyrs Brigades.

The Defendant was recruited by [REDACTED] for the purpose of carrying out the planned terrorist attack. [REDACTED] recruited [REDACTED] to carry out the planned terrorist attack.

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The Defendant selected the place for carrying out the planned terrorist attack, and that was the Qusin area. The Defendant rented a vehicle in Nablus, and drove it to Jenin. In Jenin the

Defendant met with [REDACTED] and [REDACTED]. From there, the Defendant and [REDACTED] traveled to the place, which the Defendant had selected for carrying out the planned terrorist attack.

Upon arriving at the above mentioned place, the Defendant and [REDACTED] placed an explosive device adjacent to the road. The Defendant and his above named accomplice hid themselves near the said place, with the aim of activating the above mentioned explosive device against Israel Defense Forces soldiers and causing their deaths.

The plan of the Defendant and his above named accomplice was not executed, since some Palestinian workers pulled up near the above mentioned explosive device, and the Defendant and his accomplice did not activate the explosive device against an Israel Defense Forces jeep, which arrived at that place, for fear of harming the said workers.

Subsequently, the Defendant came to the place and collected the above mentioned explosive device.

Eleventh Count:

Nature of the Offense: Being in disguise, an offense pursuant to Section 55 of the Security Provisions (Judea and Samaria) Order (No. 378), 5730-1970.

Details of the Offense: The above named Defendant, in the Region, at the time stated in the previous count of the indictment, used a disguise in circumstances in which the use of a disguise might harm the public peace, the wellbeing of Israel Defense Forces units, the defense of the region, or the maintenance of public order, specifically:

The above named Defendant, at the said time, carried out that attributed to him in the previous count of the indictment, while disguised as a woman.

Twelfth Count:

Nature of the Offense: Attempting to intentionally cause death, an offense pursuant to Section 51(a) of the Security Provisions (Judea and Samaria) Order (No. 378), 5730-1970, and Sections 14(a) and 19 of the Criminal Liability (Judea and Samaria) Order (No. 225), 5728-1968.

Details of the Offense: The above named Defendant, in the Region, in the middle of 2001, or thereabouts, attempted to intentionally cause the death of another person, specifically:

The above named Defendant, at the said time, in Nablus or its vicinity, conspired with [REDACTED] to murder two Israeli civilians who, according to the information that had reached the Defendant, came every Saturday to Nablus.

On one Saturday, the Defendant went out with [REDACTED] both of them being armed with M-16 assault rifles, to carry out the planned terrorist attack. The Defendant and his above named accomplice came to Qusin Junction.

The Defendant and [REDACTED] positioned themselves there and waited for the two above mentioned Israeli civilians, with the aim of shooting at them and causing their deaths. The Defendant and his accomplice waited there for about 4 hours, but the above mentioned Israeli civilians did not arrive, and so the Defendant and his accomplice returned to Nablus.

Thirteenth Count:

Nature of the Offense: Possession of a firearm, an offense pursuant to Section 53(a)(1) of the Security Provisions (Judea and Samaria) Order (No. 378), 5730-1970.

Details of the Offense: The above named Defendant, in the Region, from the middle of 2001 and up to the date of his arrest, had in his possession a firearm, ammunition, bomb, hand grenade, an explosive or incendiary device, instrument or device or item designed or capable of causing death or serious injury, without a permit granted by or on behalf of the military commander, specifically:

The above named Defendant, during the said period, possessed a Model-14 handgun, which he had received from [REDACTED] through [REDACTED] this being without a permit granted by or on behalf of the military commander.

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At the time of his arrest, the Defendant was carrying the above mentioned handgun, with two magazines full of bullets, and a further 40 bullets for the above mentioned handgun.

Fourteenth Count:

Nature of the Offense: Attempting to intentionally cause death, an offense pursuant to Section 51(a) of the Security Provisions (Judea and Samaria) Order (No. 378), 5730-1970, and Section 19 of the Criminal Liability (Judea and Samaria) Order (No. 225), 5728-1968.

Details of the Offense: The above named Defendant, in the Region, in the middle of 2001, or thereabouts, attempted to intentionally cause the death of another person, specifically:

The above named Defendant, at the said time, for four consecutive days, at the Jenin Refugee Camp or in its vicinity, on a number of different occasions, fired a Kalashnikov assault rifle at Israel Defense Forces soldiers with the intention of causing their deaths. Together with the Defendant were other people: [REDACTED]

[REDACTED] who also fired at Israel Defense Forces soldiers with the intention of causing their deaths.

Fifteenth Count:

Nature of the Offense: Trading in war materiel, an offense pursuant to Section 2 of the Prohibition Against Trading in War Materiel Order (Judea and Samaria) (No. 243), 5728-1968.

Details of the Offense: The above named Defendant, in the Region, at the end of 2001 or thereabouts, traded or handled in some other manner war materiel, without a permit signed by or on behalf of the Region commander, specifically:

The above named Defendant, at the said time, in Nablus or its vicinity, purchased an M-16 assault rifle from [REDACTED] for 3,500 Jordanian Dinars, this being without a permit signed by or on behalf of the Region commander. He received the money for purchasing the weapon from [REDACTED]

After purchasing the above mentioned weapon, the Defendant transferred it to Jenin, to [REDACTED]

Sixteenth Count:

Nature of the Offense: Trading in war materiel, an offense pursuant to Section 2 of the Prohibition Against Trading in War Materiel Order (Judea and Samaria) (No. 243), 5728-1968.

Details of the Offense: The above named Defendant, in the Region, at the end of 2001 or thereabouts, traded or handled in some other manner war materiel, without a permit signed by or on behalf of the Region commander, specifically:

The above named Defendant, at the said time, in the village of Qalil or its vicinity, purchased a number of empty magazines for a Sig Sauer handgun from a person named [REDACTED], this being without a permit signed by or on behalf of the Region commander.

The Defendant purchased the said magazines at the request of [REDACTED] whose was the person responsible for the Palestinian Islamic Jihad in Jenin.

Seventeenth Count:

Nature of the Offense: Holding office in an unlawful association, an offense pursuant to Section 85(1)(b) of the Defense (Emergency) Regulations, 1945.

Details of the Offense: the above named Defendant, in the Region, from early 2002 and up to the date of his arrest, managed or assisted in the management of an unlawful association, or held some office or position in an unlawful association, specifically:

The above named Defendant, during the said period, served as coordinator of military activity of the al-Aqsa Martyrs Brigades (“*Kataib Shuhada al-Aqsa*”), the military wing of the Fatah Tanzim, which is an unlawful association, between the regions of Jenin, Tulqarm, Nablus and Ramallah.

Eighteenth Count:

Nature of the Offense: Attempting to intentionally cause death, an offense pursuant to Section 51(a) of the Security Provisions (Judea and Samaria) Order (No. 378), 5730-1970, and Section 19 of the Criminal Liability (Judea and Samaria) Order (No. 225), 5728-1968.

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Details of the Offense: The above named Defendant, in the Region, at the beginning of 2002, or thereabouts, attempted to intentionally cause the death of another person, specifically:

The above named Defendant, at the said time, in or near the Jenin Refugee Camp, together with [REDACTED] and others, fired at Israel Defense Forces soldiers with the intention of causing their deaths.

Nineteenth Count: Detailed Incident File 1359/02 Yiftach

Nature of the Offense: Attempting to intentionally cause death, an offense pursuant to Section 51(a) of the Security Provisions (Judea and Samaria) Order (No. 378), 5730-1970, and Sections 14(a) and 19 of the Criminal Liability (Judea and Samaria) Order (No. 225), 5728-1968.

Details of the Offense: The above named Defendant, both within and outside the Region, on January 25, 2002, or thereabouts, attempted to intentionally cause the death of another person, specifically:

1. In January 2002, the Defendant was approached by [REDACTED], a senior military operative in the Palestinian Islamic Jihad organization, who had previously collected information regarding those places in the State of Israel where a massive terrorist attack could be carried out, and [REDACTED]
2. [REDACTED] asked the Defendant to assist in transporting a young man who wished to carry out a suicide from his home in the Askar Refugee Camp in Nablus.
3. The Defendant traveled with [REDACTED] to the Askar Refugee Camp, where they met the above mentioned young man, who was [REDACTED]
4. The Defendant and [REDACTED] transported [REDACTED] to an apartment in Nablus.
5. [REDACTED] brought [REDACTED] to the said apartment in Nablus.

6. To the said apartment also came [REDACTED] who, together with the Defendant and [REDACTED] filmed, with a video camera, [REDACTED] and [REDACTED] prior to carrying out the planned suicide terrorist attack, with the two latter holding a Kalashnikov assault rifle and an M-16 assault rifle.
7. At the said apartment, [REDACTED] prepared the explosive device, comprised of 6 kilograms of explosive, for the purpose of executing the planned suicide terrorist attack. [REDACTED] concealed the explosive device in a television packaging carton.
8. The Defendant and his above named accomplices prepared a plan, under which a combined suicide terrorist attack would be carried out in the vicinity of the Central Bus Station in Torah; [REDACTED] would detonate the explosive device, which he would be carrying, with the aim of causing the deaths of as many civilians as possible, and in parallel, [REDACTED] would open fire with a Kalashnikov assault rifle with the aim of causing the deaths of as many civilians as possible, and would continue shooting until he was killed. The planned terrorist attack was the result of cooperation between the military wing of the Palestinian Islamic Jihad organization, which provided the suicide terrorist – [REDACTED] and the explosive device, and the al-Aqsa Martyrs Brigades – the military wing of the Fatah Tanzim, which provided the second suicide terrorist – [REDACTED] –and the weapons.
9. The Defendant wanted to teacher [REDACTED] how to use the Kalashnikov assault rifle, but the latter refused and claimed that he knew how to fire the said weapon.
10. The above named Defendant, during the afternoon, at the request of [REDACTED], drove the two suicide terrorists – [REDACTED] and [REDACTED] with the two equipped with the above mentioned explosive device and a Kalashnikov assault rifle with 4 magazines full of bullets. Traveling together with the Defendant, who was armed with a handgun on this trip, were [REDACTED] and [REDACTED]. During the journey the Defendant got out of the vehicle and purchased a bag, into which were placed the above mentioned Kalashnikov assault rifle and the magazines, as well as new clothes for the suicide terrorists.
11. In the Zawata area, [REDACTED] left the Defendant and his accomplices and returned to Nablus. The Defendant, together with his above named accomplices, bypassed the Israel Defense Forces checkpoint located there on foot, and traveled by taxi to Tulqarm. [REDACTED] traveled in one taxi to “open the road” for the Defendant and the two suicide terrorists.

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12. At this stage [REDACTED] telephoned the Defendant and gave the Defendant the cell phone number of the person who was supposed to assist the Defendant and the above named suicide terrorists by "opening a travel route." The Defendant attempted to call the above mentioned person, but without success.
13. The Defendant and the above mentioned two suicide terrorists arrived in Tulqarm in the evening.
14. The Defendant and the two suicide terrorists stayed in Tulqarm at the home of [REDACTED] whom the Defendant contacted after receiving the cell phone number of the latter from [REDACTED]
15. The next day, on January 25, 2002, in the morning, the Defendant came to the taxi station in Tulqarm, together with [REDACTED] and [REDACTED] with the two suicide terrorists carrying with them the explosive device described above, which was concealed in a television packaging carton, and the Kalashnikov assault rifle with magazines full of bullets, which were in the bag.
16. At this stage, the Defendant left his above named accomplices and returned to Nablus.
17. [REDACTED] and [REDACTED] arrived in Tel Aviv by taxi. There the two of them came to the area of the old Central Bus Station. The two of them decided to carry out the planned terrorist attack in the said location.
18. At around 11:00 a.m., on January 25, 2002, in Neve Shaanan Street in Tel Aviv, adjacent to No. 30, [REDACTED] activated the explosive device described above, with the intention of causing the deaths of as many people as possible.
19. The above mentioned explosive device exploded, and as a result of its detonation, 28 people were wounded.
20. [REDACTED] was killed on the spot as a result of detonation of the above mentioned explosive device.

[Stamp] P 5: 299 [continued]

21. [REDACTED] who according to the plan described above, was supposed to open fire on civilians with the Kalashnikov assault rifle, following detonation of the above mentioned explosive device, with the aim of causing their deaths, was not able to take the said Kalashnikov assault rifle from the bag. When [REDACTED] realized that he would not be able to open fire immediately, he threw the bag with the rifle and the ammunition away, and attempted to flee from the scene, but was arrested by officers of the Israel Police.

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[Stamp] P 5: 299 [continued]